

REMARKS:

Status of Claims

Claims 1-45 were previously pending. Claims 1-21 and 39-45 are canceled herein without prejudice or disclaimer. Claims 22 and 31 have been amended. Thus, claims 22-38 remain pending with claims 22 and 31 being independent.

BPAI Decision / Remarks

In the May 26, 2010, decision by the BPAI, the Examiner's rejection of the pending claims as being anticipated by Ran (US 6,317,686) was affirmed. The basis for the BPAI's decision was that Applicant's claims did not specifically recite the definition of a track log¹. Thus, the BPAI equated Ran's historical traffic data² with the claimed "track logs."

Applicant has amended the claims herein to specifically recite that "the track log points indicating a plurality of previous locations of the navigational aid device." Thus, based on BPAI's findings regarding Ran, Ran cannot anticipate the currently-pending claims because Ran only teaches generalized historical data (not specific to a particular device) while the claims now expressly recite that the track log data is specific to a particular device (the navigational aid device).

Conclusion

Should any questions remain, the Examiner is encouraged to contact the undersigned. Any additional fee which is due in connection with this Amendment should be applied against our Deposit Account No. 501-791.

¹ "Thus, a log is collection of specific record entries of a specific vehicle, rather than simply some average or other aggregation of travel times." BPAI Decision, pg. 5.

² "Ran teaches historical data, yet it is not with a specific vehicle or specific unit or device." BPAI Decision, pg. 6. "Appellant's proffered distinction goes beyond the express claim language and is therefore not persuasive of error in the Examiner's showing of anticipation." BPAI Decision, pg. 7.

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Reply to BPAI Decision of May 26, 2010

Respectfully submitted,

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